

REMARKS/ARGUMENTS

Claims 1-20 stand rejected. Claims 1, 8, 12, 13, 15, and 19 are amended. No claims have been added or canceled. Therefore, claims 1-20 remain pending. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 1-4 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated over U.S. Patent No. 3,599,127 to Krijger (hereinafter referred to as "Krijger"). In light of the following remarks, Applicant respectfully traverse. In an effort to advance prosecution, however, Applicant has amended independent claim 1 to recite that the bottom cap is attached to the second lower supply duct end at a first end and attached to one end of a body at a second end; the upper supply elbow is mounted on a rotatable plate and mechanically connected to the bottom cap wherein the rotatable plate is attached to another end of the body; the first upper supply duct end connected to and extending in a first direction from said upper supply elbow; and the second upper return duct end connected to the upper return plenum and extending in a second direction that is substantially opposite to the first direction.

Initially, Applicant notes that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must "bear within its four corners adequate directions for the practice of the patent invalidated." (See, for example, Dewey & Almay Chemical Co. v. Mimex

Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)). Applicant respectfully submits that Louviere embodies no such directions.

Applicants respectfully submit that Krijger does not disclose every element of Applicants' claimed invention. For example, Krijger does not disclose at least the above-identified features. Krijger does not disclose at least a bottom cap attached to the second lower supply duct end at a first end and attached to one end of a body at a second end; the upper supply elbow is mounted on a rotatable plate and mechanically connected to the bottom cap wherein the rotatable plate is attached to another end of the body; the first upper supply duct end connected to and extending in a first direction from said upper supply elbow; and the second upper return duct end connected to the upper return plenum and extending in a second direction that is substantially opposite to the first direction.

The Office Action alleges on page 2 that the upper supply elbow (which is being equated with chamber 13 of Krijger) is fluidly connected with the bottom cap. As recited in claim 1, the upper supply elbow is mechanically connected to the bottom cap. This, however, does not render the upper supply elbow to be mechanically connected as claimed.

Also, the upper return duct end does not extend in a direction that is opposite the upper supply duct end that extends from the upper supply elbow as claimed. Applicant respectfully submits that claim 1 is allowable for at least the foregoing reasons and requests withdrawal of the rejection of claims 1-4 under 35 U.S.C. § 102(b).

Claim 2-4 depend from independent claim 1. Therefore, these claims are also allowable for at the foregoing reasons.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 8-11 and 15-18 stand under 35 U.S.C. § 103(a) as allegedly being unpatentable over Krijger. Applicant respectfully traverses. In an effort to advance prosecution, however, Applicant has amended independent claim 8 to recite directing the air flow from the upper supply elbow in a first direction through an upper supply duct and that the upper return plenum is mounted on the rotatable plate and adjacent the upper supply elbow, wherein the air flow approaches the upper return plenum from a side substantially opposite the upper supply elbow and claim 15 to recite that the lower supply duct means is connected to the lower supply duct means at a first end and attached to one end of a body at a second end; the rotatable plate is attached to another end of the body; and the upper return plenum is mounted on the rotatable plate and adjacent the upper supply elbow, wherein the air flow approaches the upper return plenum from a side substantially opposite the upper supply elbow. As discussed above with reference to claim 1, Krijger does not disclose these features. Therefore, Applicant respectfully submits that independent claims 8 and 15 are allowable for at least the foregoing reasons and requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Claim 9-11 and 16-18 depend from at least one of independent claims 8 and 15. Therefore, these claims are also allowable for at the foregoing reasons.

Claims 5-7, 12-14, 19, and 20 stand under 35 U.S.C. 103(a) as allegedly being unpatentable over Krijger in view of U.S. Patent Application No. 4,790,699 to Ringel. Claims 5-7, 12-14, 19, and 20 depend from at least one of independent claims 1, 8, and 15. Therefore, these claims are also allowable for at least the foregoing reasons.

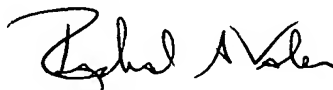
CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests all the objections and rejections to the specification and claims be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1706 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 03815.1620.

Respectfully submitted,

BAKER & HOSTETLER LLP



Raphael A. Valencia
Reg. No. 43,216

Date: 9/12/06
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783

101378464